

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

This amendment sets Medicaid reimbursement policy for translation or interpretation services provided in connection with the use of Medicaid services by members whose primary language is not English. Provision of translation or interpretation services for persons with limited English proficiency is required by Title VI of the Civil Rights Act of 1964 for federally funded programs. The Children's Health Insurance Program Reauthorization Act of 2009 raises the level of federal reimbursement for these services in the Medicaid program.

Under this amendment, the Department will set a fee for translation and interpretation services, and providers whose reimbursement is determined by a fee for service will be able to bill this service in addition to the Medicaid service provided. Providers whose reimbursement is cost-based are already able to include these expenses in their cost reports.

This amendment does not provide for waivers in specified situations because the changes benefit the providers affected. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

This amendment has also been Adopted and Filed Emergency and is published herein as **ARC 7937B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendment on or before July 22, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

This amendment is intended to implement Iowa Code section 249A.4 and 2009 Iowa Acts, Senate File 389, section 38(5).